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 2 it was just something that I read over
 3 and over again.
 4 So if I eliminated all that stuff,
 5 I just didn't -- I knew that I didn't
 6 knowingly or intentionally plagiarize.
 7 I didn't, you know, take this paper and
 8 try to make it into this. I knew that I
 9 was upfront and had that out there and
 10 exposed from the beginning. And I
 11 actually didn't even know that that
 12 would be the paper that they would think
 13 that this was most like because there's
 14 a bunch of papers written on the exact
 15 same thing.
 16 And I just feel like, even now,
 17 things where they're talking about
 18 methods. Testing methods was
 19 specifically used by me because there
 20 are so many papers on testing. There's
 21 so many papers on processes. There are
 22 so many papers on procedures that really
 23 delve into this topic. Because it's
 24 such a valuable topic, there's a lot of
 25 money behind it, that -- I used methods.

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 2 And I even put, like, a note that
 3 methods is to refer to my findings on
 4 all of these.
 5 So all-inclusive of all of this
 6 information and all of the rulings
 7 regarding this information, and that is
 8 not specific to processes or tests or
 9 procedures. Methods was just -- I had
 10 to choose one to try and combine them
 11 all and that seems to be the best one to
 12 use.
 13 [REDACTED]: And I want to make
 14 sure that, in the interest of time, that
 15 I'm able to get to the different
 16 aspects. So if I ask for a more
 17 specific answer, it's just for that
 18 reason. So to clarify, a sanction was
 19 not discussed at that time?
 20 DEAN WILLIAMS: I'm sorry?
 21 [REDACTED]: A sanction was not
 22 discussed at that --
 23 DEAN WILLIAMS: A sanction was not
 24 discussed.
 25 [REDACTED]: Okay. Thank you.

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 2 So my next question is for you,
 3 Ms. Tshudy. Did you know -- well, you
 4 went into it a little bit, about -- you
 5 were uncertain about what was considered
 6 general and what wasn't considered
 7 general information. Was that
 8 information provided to you by your
 9 professor? Was there any guidance on
 10 that?
 11 MS. TSHUDY: No.
 12 [REDACTED]: Okay.
 13 MS. TSHUDY: No, that wasn't.
 14 [REDACTED]: Thank you.
 15 I want to go back to -- there was
 16 a point that you made. I believe it
 17 might have been the top of -- you were
 18 looking at part 2.
 19 DEAN WILLIAMS: Part 2C. It's
 20 right on the screen. Right here.
 21 [REDACTED]: So I'm having trouble
 22 understanding -- and I hope someone can
 23 explain to me. I see that -- in the Law
 24 Review note that is referencing footnote
 25 210, which if we look at the large

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 2 notes, 210 is, see Supernote 127.
 3 DEAN WILLIAMS: Right.
 4 [REDACTED]: Then, if you look at
 5 127.
 6 DEAN WILLIAMS: It's on page 225.
 7 [REDACTED]: I noticed that's -- oh
 8 gosh, a specific case, 435. I don't
 9 have time for blue booking, but it's
 10 that specific case.
 11 Now, if I look at that part in
 12 your paper, the reference is 45 and it's
 13 on page -- under right of public access,
 14 it's the page right after that. So
 15 that's in reference to 45. And if you
 16 look at what you're referencing on 45,
 17 that is the Nycomed case.
 18 MS. TSHUDY: Yes.
 19 [REDACTED]: And I'm noticing those
 20 are not the same sources. But if
 21 someone were to look at the Law Review
 22 note and miscite it by looking at it,
 23 that could be one explanation. Can you
 24 provide another explanation?
 25 MS. TSHUDY: Sorry. Can you ask

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 2 that again. I apologize. I'm just
 3 having a little hard time tracking.
 4 [REDACTED]: No, you're fine.
 5 So a note on the law review
 6 article, it's number 127; and then in
 7 your paper, it is number 45 and they're
 8 inconsistent. So you're referencing
 9 Nycomed when the original reference is
 10 from 435 Federal -- if somebody knows
 11 how to say that better than me, please
 12 jump in. (Inaudible)
 13 [REDACTED]: FTC versus Standard.
 14 [REDACTED]: Okay. Shoot. Okay.
 15 FTC versus Standard.
 16 So that is a miscite by you to FTC
 17 Standard.
 18 In my head, in my mind, one
 19 explanation for how that could happen is
 20 if somebody was looking at the list of
 21 references -- and I'm only saying that
 22 from a point of, as a student in
 23 undergrad, I've learned to look up
 24 information to find sources in that way.
 25 The only explanation that I can

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 2 think of is if somebody was looking at
 3 this and pulling from there and the cite
 4 of it, can you explain what happened?
 5 Was it something different?
 6 MS. TSHUDY: So most of the work
 7 that I did with the note or, like, when
 8 I was going through the references was
 9 clicking back and forth for the most
 10 part, if that makes sense. Because you
 11 can go and you can click, and then
 12 sometimes it pops up in the note where
 13 it pops up, but then sometimes it pops
 14 back down. So I'm literally thinking
 15 that that was a mistake simply from
 16 something related to that.
 17 And again, I wish I could give you
 18 a great example, but I'm completely, you
 19 know, open to tell you exactly what I
 20 was looking at through -- in LexisNexis
 21 not only has you able to jump straight
 22 to the case, but it has you jump up in
 23 the note and stuff. And so if I made a
 24 mistake like that then -- but, again,
 25 that was one of the most obvious cases

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 2 read and everything.
 3 So if I accidentally read her
 4 thing through that, that could be
 5 possible. But I know that I read
 6 Nycomed, you know, and it was very
 7 obvious what could be taken and directly
 8 drawn from that. So that could be a
 9 very -- mistake, if that makes sense.
 10 DEAN WILLIAMS: I might be able to
 11 help here. So if we look at this
 12 sentence, it says, The definition of
 13 judicial documents, as discussed in part
 14 2C, is relevant. Documents which are
 15 submitted to and accepted by a court of
 16 competent jurisdiction in the course of
 17 the adjudicatory proceedings, right.
 18 I actually think this is a typo in
 19 the Law Review note. So note 210 refers
 20 us to note 127. So we're going to go
 21 back and look at note 127, which is
 22 actually in section 2D of Ms. Rogers'
 23 paper. It's on page 225.
 24 So if you look at page 225, she
 25 talks about Nycomed. So she's saying,

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 2 The second circuit explains in Nycomed
 3 Inc. versus Glenmark Generics, that the
 4 right of public access allows open
 5 access to judicial documents and
 6 provides information to the public in
 7 hopes of making the courts appear more
 8 legitimate.
 9 Now here's the next footnote. For
 10 the purposes of this note, the
 11 definition of judicial documents is
 12 particularly relevant because, as the
 13 second circuit declared in Lugosch,
 14 judicial documents are presumed to be
 15 open to public access as described in
 16 part 3.
 17 So now we're in part 3 on page
 18 2 -- help me again. We were on page
 19 2 -- what, 236? So if we go back to page
 20 236, right here. So she just cites back
 21 to her own work. The definition of
 22 judicial documents is discussed in part
 23 2C -- well, this should say, as
 24 discussed in part 2D. This is a typo
 25 that some law review editor missed -- is

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 2 the relevant documents which are
 3 submitted to and accepted by the court
 4 of competent jurisdiction. So, I
 5 believe following the footnotes, that 2C
 6 there actually refers to part 2D of this
 7 law review article.
 8 Does that make sense?
 9 PROFESSOR BUTLER: So that makes
 10 the cross reference even worse.
 11 DEAN WILLIAMS: I'm just saying.
 12 [REDACTED]: My last point of
 13 clarification, I guess, more so.
 14 So, first of all, I want to
 15 acknowledge how difficult it is to go
 16 through the semester that you just went
 17 through. I don't know if that's been
 18 mentioned yet, but it needs to be
 19 mentioned. And that's incredibly, yeah,
 20 it's incredibly hard. Because we know
 21 students experience these different
 22 hardships, there are different resources
 23 available for students.
 24 Now, I know you mentioned that if
 25 you thought that you couldn't finish the

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 2 paper, you would have reached out. You
 3 would have asked. I want to know,
 4 explicitly, were you aware that -- or I
 5 guess, was an incomplete an option?
 6 Were those resources available for
 7 you to take advantage of? Because you
 8 listed a lot of different things that
 9 would have warranted support in those
 10 ways, so did you know that those were
 11 available? Did you think about using
 12 them?
 13 MS. TSHUDY: I thought that the
 14 only available option would really just
 15 be, you know, just to withdraw from the
 16 course completely and lose all my work,
 17 which, you know, was a consideration.
 18 But again, I did not realize -- looking
 19 back, if I had even thought that this
 20 was a potential -- then I would have
 21 just done that because taking a
 22 withdrawal -- or something, not an
 23 incomplete, as separate from withdrawal
 24 where I literally just wouldn't get
 25 credit, would be sad, because obviously

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 2 worked extensively for this course.
 3 But I did not think that
 4 incomplete was possibility. I did not
 5 know that incomplete was an option. I
 6 did not know that I could extend it to
 7 ensure, you know, to ensure --
 8 DEAN WILLIAMS: Ms. Tshudy, can I
 9 ask you a question? I don't -- I know
 10 that -- and [REDACTED] thank you for
 11 acknowledging how difficult this has
 12 been.
 13 In your first year of law school,
 14 did you -- were there times when you
 15 asked for assistance and were there any
 16 classes that you deferred in your first
 17 year?
 18 MS. TSHUDY: My legal research.
 19 DEAN WILLIAMS: And at what point
 20 did you defer that?
 21 MS. TSHUDY: That's a very good
 22 question.
 23 DEAN WILLIAMS: I mean, was it at
 24 the very beginning of the semester? Was
 25 it partway through the semester?

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 2 MS. TSHUDY: Partway through.
 3 DEAN WILLIAMS: Okay. Yeah.
 4 Thank you.
 5 [REDACTED]: Just a few simple
 6 questions. That's all right.
 7 Would you say it's accurate that
 8 you finished this paper in a rush or a
 9 panic, just given that it was turned in
 10 late in the semester, that you --
 11 MS. TSHUDY: Yeah, especially when
 12 it comes to citations and everything.
 13 So his mentioning of me actually
 14 submitting it two days late was actually
 15 because, oddly enough, if -- my doctors
 16 were concerned, obviously, about me
 17 being on campus, and that's why I was
 18 remote, but I actually had to come onto
 19 campus for finals. And in response to
 20 that, I actually got horribly sick
 21 because I hadn't been exposed to
 22 everything.
 23 So in the middle of our two weeks
 24 of finals, I spent -- I can look at how
 25 many days -- just [REDACTED]

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And I sent them, sadly, pictures. I told them not to look at the bottom just in case, but if they wanted to because I was horribly sick.

So even then, like, my window to be able to make sure that there weren't citation issues or any issues like this crumbled drastically. And so, obviously, it's not even close -- again, I figured that at most I was just going to get bad grade because I thought it was generic and too many people wrote about this. And I thought, well, this is going to be -- but I thought it at least qualified. And I thought that my sources were there and cited and everything.

And I even talked to -- not student services, but I talked to people in the other service center across from testing about how -- this is -- that I literally just have no idea what to do about this paper and stuff. And

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ultimately I even told them that, if I submit this and he says this isn't acceptable, it's two days late -- because he reiterated in a syllabus that there was no extension, like no reason.

So, to me, I was literally just like, well, there's no possible extension, so I'm just going to submit it and if he says that I need to appeal to the deans for a withdrawal and I'm not going to get credit for the course, then that's it, because literally there's no other option for me. There's no other way around it. He solidified that -- I honestly didn't think he was going to accept it and that I was going to withdraw from the course.

So when I submitted it, I didn't have any belief that it would, you know, even materialize. I just wanted to, in my mind, make sure that I completed it and, at least, showed him, you know, that I've always been eager to do the work and the work was there and that

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this is just circumstance control. But again, I didn't even know if I would ever be right or graded or anything because again, it says specifically in the syllabus -- of all the syllabi I've ever received, his would be the most adamant that there's no extensions beyond that submission date. So I thought that was like a certainty.

: Thank you for that additional context.

So in that -- in that setting -- and you've admitted it, more or less, as much -- would you say possible that you could have copied portions of this paper into your outline and then accidentally copied from the outline into the paper without really realizing that that was the error you were making?

MS. TSHUDY: So again, I definitely always take an intermediate step that should prevent that, which is I would never copy something directly from something and put it into my paper,

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so that's why I use resource outlines and stuff. And so it would make sense that, especially when -- there was confusion as to whether the requirement was 20 pages or whether the requirement was so many words. And they didn't line up, if that makes sense.

So when I had so many words, it was not even nearly 20 pages. When I had his required amount of words, it was not nearly 20 pages. And I didn't have time to really clarify this if it was just that amount of words. So I was, towards the end, kind of, like, looking for additional things that I had written, you know, and bringing them over and stuff. And that would be the time that things like that could have snuck through. If I didn't see that it was a citation, and not just my own notes about what I read, and not my own notes about additional analysis that might be able to fit in there, just to get to that 20 page maximum.

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Because, again, I had succeeded in doing the word maximum, but I never expected the word requirement not to match up with the page requirements. [REDACTED]: Yeah, that makes sense. So it seems, then, quite possible, if not probable, that what happened here is, essentially, accidental plagiarism. So had that been -- so had you understood plagiarism to be a strict liability offense, do you think you would have signed the agreement that was presented to you last week?

MS. TSHUDY: No agreement was presented.

DEAN WILLIAMS: Yeah, I didn't draft an agreement because I wouldn't draft that --

[REDACTED]: Had such an option been presented to you, do you think you would have been likely to agree with that, or would you have felt that that was not an accurate representation of

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what happened? Had you been told plagiarism is irrelevant of intent? We have found these repeated passages in your paper and this --

MS. TSHUDY: Oh, then I definitely would have agreed. If it was irrelevant of intent and it was just based on me being open to the idea that I made mistakes, I would have definitely agreed.

I thought -- I was trying to ask her for -- our conversation, that was rushed, that was like at 4:15 or something on the day that I had to decide by 5:00. That was literally me trying to ask, like, is it plagiarism apart from mens rea? Like, is it something that -- because looking up the definition of plagiarism has "knowingly" or "intentionally" and stuff -- or is there room for mistakes? Does it comprehend mistakes?

So if I had known that mistake is still guilty of -- I wouldn't have even

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risked it. Again, I would have asked -- honestly if it was possible just to take my entire grade away because it was not worth betting that I did not make mistakes. Obviously, going through that, I did not have the pride necessary to say anything like that or to stick to my guns, so to speak. That would have been so -- if that is the case, that is heartbreaking right now, because that would be awful.

[REDACTED]: Thank you for that clarification.

PROFESSOR BUTLER: You have asked to have a witness present. And he is present. I understand it's Mr. [REDACTED]. If you want to call him on any matter, you're welcome to do so. But I think you should be aware that we're really only interested in hearing his testimony if he's going to advance the case. And if he's not, then there's really little point in wasting his time or ours.

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MS. TSHUDY: Well, he was just there if he needs verification about the reason that I can't necessarily show as many sources, right now. Like, for instance, the big part was, like, the using Google to show the exact structure -- not being able because I lost the history.

PROFESSOR BUTLER: I'm sorry, you lost what?

MS. TSHUDY: The history and cookies on my computer. Because, ideally -- I actually did two steps -- well, I would have done two steps. First, as I had offered previously in that example to Professor Prince, I was more than willing to offer up my history and my -- sorry, I'm just realizing that if what you said is true, then I made a really bad mistake because I would have never even rushed it.

So regarding the Professor Prince, that was one of my biggest things that --

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<p style="text-align: right;">Page 202</p> <p>1 Proceedings</p> <p>2 PROFESSOR BUTLER: Let's assume</p> <p>3 that you could show us that material.</p> <p>4 MS. TSHUDY: Yeah.</p> <p>5 PROFESSOR BUTLER: What would you</p> <p>6 expect that material to demonstrate to</p> <p>7 us?</p> <p>8 MS. TSHUDY: Professor Williams</p> <p>9 mentioned that it's just -- the</p> <p>10 organization of the second half of my</p> <p>11 paper was, you know, a big part of being</p> <p>12 concerned about this. And I literally</p> <p>13 could have showed that's just generally</p> <p>14 how -- that's literally, just common.</p> <p>15 Exactly how all these different ads</p> <p>16 literally line up, lay it out. He's not</p> <p>17 the only person, like, anybody who's</p> <p>18 ever seen me, I literally would click</p> <p>19 through these things because I'd laugh</p> <p>20 at them, because I thought they were</p> <p>21 funny because they thought that I needed</p> <p>22 somebody to represent me for litigation.</p> <p>23 But even things as specific as,</p> <p>24 you know, the civil procedure, rules and</p> <p>25 everything like that, was even laid out</p>	<p style="text-align: right;">Page 203</p> <p>1 Proceedings</p> <p>2 in these articles. And the topics were</p> <p>3 laid out in the same way. The only</p> <p>4 difference is sometimes they would have</p> <p>5 additional topics that they felt like</p> <p>6 they would put in their input.</p> <p>7 PROFESSOR BUTLER: The problem</p> <p>8 is --</p> <p>9 MS. TSHUDY: This was without</p> <p>10 these cases, though. These cases were</p> <p>11 separate because they were biotech and</p> <p>12 pharmaceutical cases, which some of them</p> <p>13 had the same cases, but some of them had</p> <p>14 different cases. But they were</p> <p>15 concerned about the general layout and</p> <p>16 organization of the paper. That's</p> <p>17 directly what I could have brought right</p> <p>18 in with them.</p> <p>19 PROFESSOR BUTLER: And how would</p> <p>20 that change the proposition? The</p> <p>21 proposition is this: There are</p> <p>22 paragraphs in your paper which are</p> <p>23 verbatim from other sources and none of</p> <p>24 them are cited. None of them. That's</p> <p>25 plagiarism.</p>
<p style="text-align: right;">Page 204</p> <p>1 Proceedings</p> <p>2 How would offering us the</p> <p>3 additional material that you're not able</p> <p>4 to offer change that outcome?</p> <p>5 MS. TSHUDY: Like you're saying</p> <p>6 multiple paragraphs that are verbatim?</p> <p>7 PROFESSOR BUTLER: I'm saying it</p> <p>8 didn't come from the Rogers' notes and</p> <p>9 it came from somewhere else. We don't</p> <p>10 know where else it is because there's no</p> <p>11 footnote.</p> <p>12 MS. TSHUDY: Okay. Yeah. So, I</p> <p>13 mean, that goes back to not realizing</p> <p>14 how much this was written about and not</p> <p>15 realizing what qualifies as generic,</p> <p>16 because if it's something that -- the</p> <p>17 organization I've read through -- or</p> <p>18 read through --</p> <p>19 PROFESSOR BUTLER: Trisha, nothing</p> <p>20 generic about that paragraph.</p> <p>21 MS. TSHUDY: Okay.</p> <p>22 (Crosstalk.)</p> <p>23 MS. TSHUDY: Are you talking about</p> <p>24 a specific paragraph or the organization</p> <p>25 in general?</p>	<p style="text-align: right;">Page 205</p> <p>1 Proceedings</p> <p>2 DEAN WILLIAMS: Well, let's talk</p> <p>3 about -- may we talk about the</p> <p>4 organization, Professor Butler?</p> <p>5 PROFESSOR BUTLER: Fine.</p> <p>6 DEAN WILLIAMS: So I'm going to go</p> <p>7 back to my pink highlighting, because</p> <p>8 what I did in the pink highlighting</p> <p>9 of -- this is the note showing exactly</p> <p>10 where in Ms. Tshudy's paper these things</p> <p>11 are referenced.</p> <p>12 And if you go to -- this is the</p> <p>13 analysis section of the Law Review note,</p> <p>14 starting on page 236.</p> <p>15 You can see -- if you wanted to</p> <p>16 look at Ms. Tshudy's paper -- you can</p> <p>17 see that starting on page 11, she goes</p> <p>18 with the first factor. Here's the</p> <p>19 paragraph that we were just discussing.</p> <p>20 Then she goes on turning to the second</p> <p>21 factor; that's the next thing in</p> <p>22 Ms. Tshudy's paper. And then if you go</p> <p>23 here the next thing, this is the next</p> <p>24 thing in Ms. Tshudy's paper, Inquiry,</p> <p>25 often based largely on whether the</p>

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2 information is germane --
3 Then we keep going. This is the
4 next thing and she -- here she cites to
5 Momenta in exactly the same way that is
6 cited to Momenta. The next thing she
7 cites to is Nycomed, in exactly the same
8 order in which Ms. Rogers cites to
9 Nycomed.

10 The next thing is this reference
11 to Massey Coal in exactly the same order
12 in which Ms. Tshudy refers to Massey
13 Coal on page 14 of her paper.

14 The next thing is -- this whole
15 thing and even this reference to --
16 sorry, I need to look at it again. This
17 reference, disclosed to the plaintiff
18 several documents marked confidential
19 per the protective order, a few of which
20 demonstrated the defendant needed
21 chemicals, blah, blah, blah. Exactly
22 word-for-word from the Law Review
23 article.

24 If you go to page 15, starting
25 with that sentence, Ultimately --

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2 Ms. Tshudy's paper tracks this virtually
3 word-for-word. If you go to page --
4 continue on page 15. And then she goes
5 to Massey Coal in exactly the same order
6 that Ms. Rogers cites to Massey Coal,
7 uses this same cite on page 16.

8 On page 17, she starts to talk
9 about subpoenas here, you know, and then
10 this is also word-for-word, although
11 there is no per se protection for trade
12 secrets under Rule 45, it's likely that
13 the generic manufacturer would be able
14 to withstand disclosure of a biomedical
15 equivalency test in the event of a
16 subpoena.

17 She uses the exact same example,
18 for example, in Fosamax, exact same
19 example as is cited in this Law Review
20 article on page 17, word-for-word, I
21 might add.

22 If you go to page 18, this quote
23 about, We already talked a little bit
24 about this notion of the wider social
25 good, that's on page 17. And page 18,

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2 you know, When comparing this case with
3 a potential disclosure of a -- and she
4 doesn't use the word bioequivalency
5 right, but it's there. And then on
6 page -- it continues. Here's the FOIA
7 stuff. On page 19, you know, same
8 thing.

9 MS. TSHUDY: Is this -- I
10 apologize. Is this like a conclusion or
11 are you presenting again? This is just
12 confusing.

13 DEAN WILLIAMS: This is just --
14 I'm just showing that the structure of
15 your paper matches the structure of
16 Ms. Rogers' note identically.

17 PROFESSOR BUTLER: No, what I'm
18 asking is whether your witness can offer
19 any additional light -- cast any
20 additional light on these issues? If
21 not, then I don't think it's in your
22 interest or ours to hear him. If
23 there's something, however, that I'm
24 missing --

25 MS. TSHUDY: I mean, the biggest

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2 thing is -- yeah, he would be able to
3 explain the organization structure and
4 he would be able to verify that
5 literally the only reason that I can't
6 pull that up for you exactly is because
7 of -- now, I've been trying to replicate
8 my thing to be able to get back to
9 getting those ads to pop up, but it's
10 just not enough time in comparison to a
11 whole semester searching the same things
12 that got it to pop up those separate
13 articles.

14 PROFESSOR BUTLER: I understand
15 you correctly -- if your position is
16 that the organizational similarity
17 between your paper and the note can be
18 explained by similar organizational
19 patterns and other things that you read,
20 then you really need to produce the
21 other things. It's not enough to say
22 that you've read a lot and that there
23 may be other things out there that have
24 identical organization. Are you in a
25 position to do that?

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 2 MS. TSHUDY: Somewhat, but I don't
 3 have them right --
 4 [REDACTED]: I apologize for
 5 interrupting. Can we take a five minute
 6 break?
 7 DEAN WILLIAMS: Yes, please.
 8 [REDACTED]: I'm so sorry.
 9 DEAN WILLIAMS: Let me go get some
 10 more water for everybody too.
 11 PROFESSOR GOULD: Thank you.
 12 Thank you for these.
 13 [REDACTED]: Thank you.
 14 PROFESSOR GOULD: Oh, they're
 15 cold.
 16 DEAN WILLIAMS: That one's cold.
 17 PROFESSOR GOULD: Wow.
 18 DEAN WILLIAMS: I have un-cold
 19 ones. Does anybody want -- you may
 20 close the window if you are chilly.
 21 [REDACTED]: I was already --
 22 DEAN WILLIAMS: [REDACTED] was already
 23 on it.
 24 PROFESSOR GOULD: Nice background.
 25 DEAN WILLIAMS: This is just

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 2 whatever is.
 3 PROFESSOR GOULD: That's yours?
 4 DEAN WILLIAMS: This is just the
 5 law schools.
 6 PROFESSOR BUTLER: All right.
 7 DEAN WILLIAMS: This is my snowy
 8 background in anticipation of the
 9 weekend.
 10 PROFESSOR BUTLER: Sorry, I'm
 11 trying to shut it off so that doesn't
 12 happen again.
 13 [REDACTED]: I can silence it for
 14 you. Do you want me to do that?
 15 PROFESSOR BUTLER: Yeah.
 16 [REDACTED]: It'd silenced now.
 17 PROFESSOR BUTLER: Thank you.
 18 Right. So the question is now,
 19 Trisha, have you thought over what you
 20 want to do with your witness?
 21 MS. TSHUDY: If you guys don't
 22 have any questions or need any
 23 verification, I guess it's not
 24 necessary.
 25 PROFESSOR BUTLER: What we're

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 2 faced with at the moment, as I
 3 understand it, is we have questions of
 4 level of use of another piece, another
 5 note. It's one thing if a paragraph has
 6 been moved. That's the technical
 7 definition of plagiarism. It's another
 8 thing if the whole article has been used
 9 organizationally, structurally. And
 10 you're adamant in your testimony that
 11 you didn't read it except for the
 12 footnotes.
 13 MS. TSHUDY: I didn't read the
 14 footnotes. I used sources from it and I
 15 skimmed some of it, but not really.
 16 I just want it to be acknowledged
 17 that I did not know it was strict
 18 liability and I would have never risked
 19 such a thing. And I specifically
 20 arranged my 4:15 phone call with Dean
 21 Williams to clarify what the level of
 22 mens rea requirement was. And I thought
 23 that she was being unbelievably
 24 unhelpful in specifying something that
 25 she could have just straight told me was

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 2 strict liability. And had I known
 3 beforehand, that it was strict liability
 4 then from what I went through this
 5 semester, I wouldn't have even submitted
 6 it and even risked this happening. So
 7 I'm very upset.
 8 PROFESSOR BUTLER: When you
 9 started law school here, did you sign
 10 the honor code?
 11 MS. TSHUDY: Yeah.
 12 PROFESSOR BUTLER: You're aware of
 13 what the rules of professional
 14 responsibility of this profession are?
 15 MS. TSHUDY: Yes.
 16 PROFESSOR BUTLER: It's strict
 17 liability, beginning to end, there is no
 18 exception.
 19 So I'm assuming that you will not
 20 call Travis.
 21 MS. TSHUDY: I don't know if it's
 22 necessary.
 23 PROFESSOR BUTLER: I think you're
 24 right.
 25 Any further questions for anybody?

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Yes.

[REDACTED]: I have two questions.

Professor Gould, what is the harm that has been done in the situation?

Can you expand on what it is?

PROFESSOR GOULD: What is the harm?

It's just sad. I don't know what to say. Under the honor code, I felt obligated to report. It's sort of simple as that. It hasn't hurt my life. I mean, I had to drive here 3 hours, but --

But the harm -- I mean, in a bigger sense, okay -- in a bigger sense, I also think of my other students here at the law school, this semester and from two years ago, and everyone's really done really hard work, a lot of research and a lot of good writing and I know it's taken a lot of time and effort. And so there's one thing -- I'm watching and when I think about, besides my duty to report my suspicion, I do

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think of those students. So there's sort of a potential harm as long as those students, in our profession, feel that things are being addressed. So that comes to mind.

[REDACTED]: Thank you.

Ms. Tshudy, hearing what the potential harm is or what the effect of the harm is and knowing now the definition of plagiarism, what do you think your role would be in mitigating any of that harm?

MS. TSHUDY: In mitigating it? I'm not here seeking any, you know, credit or publication or anything spread -- I mean, obviously, even just with finding out this strict liability and everything -- which I probably knew but just didn't fully, like, grasp, especially at the time where I was making the decision of whether to actually submit or not.

I won't say that I would ever even attempt, never even attempt to

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plagiarize something. But now it's just like, you know, avoiding it at all costs. Like even just not even like I don't even think that I would ever try using secondary sources again just because of the risk.

[REDACTED]: I want to clarify a little bit. So hearing the effects of the harm that have happened, knowing what has been done and taking, in a sense, an understanding and responsibility, what can you do to repair the harm that has been caused in the situation?

MS. TSHUDY: I think that's difficult because, obviously, so to mitigate it, I'm not searching for any, like -- obviously the paper can just not exist. You know what I mean, does that make sense? To mitigate the harm while making sure that I'm not, you know, if there's plagiarism that that's not being spread as my ideas, obviously, would be the first start, you know what I mean.

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So obviously just getting rid of the paper, I guess, would be, like, the first way to prevent any additional harm just from the writing alone. I'm trying to think of who I've really -- obviously, I apologize to everyone that you even had to come to a hearing today, but I felt bad for that beforehand. I apologize, Professor Gould, that he ever even was put motion in opposition that he would think that he needed to come to a hearing.

If you could specify the harm that you think I've done, this isn't something that I would ever obviously even remotely risk again. So I apologize for taking your Friday away. I don't know if I've done harm to anybody else other than the people in this room and if I have, and you clarify that, I can try to mitigate that for others.

[REDACTED]: May I jump in just a second? I'm so sorry.

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2 You know, as Professor Gould has
3 said, plagiarism is an odd crime and
4 that it's not one that causes a direct
5 impact necessarily to any one person.
6 It's a social harm, if you will, a harm
7 to the community at large. And so in a
8 few minutes the board will step away to
9 deliberate and when we return, if
10 there's been a violation found there'll
11 be an additional discussion of potential
12 sanctions.

13 And I think what [REDACTED] is getting
14 at, and what I would very much, like,
15 think would be a wise thing for you to
16 consider at the moment is, if there is a
17 violation found, what you can give back
18 to the community, ways you can lessen
19 that sort of amorphous harm that occurs
20 just from the act of plagiarism because
21 that will be relevant if there are any
22 sections to be found.

23 Just something to think about.

24 MS. TSHUDY: For certain, one
25 thing is to use this as, you know, just

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2 an experience to be able to share with
3 anybody I come across because
4 ultimately -- I mean if I had known the
5 details like I said I would have never
6 even --

7 Like, even though I submitted,
8 thinking that he wouldn't necessarily
9 even take it, this past thing. I would
10 have just told -- expressed to people
11 and can always advise people and say,
12 Hey, this is my story, this is what
13 happened to me and stuff. And you can
14 have all the good intentions and it's
15 still just not worth it.

16 And I would say that I thought
17 that it was worth it, I just didn't
18 understand or grasp the level. But --
19 even from the beginning, like I
20 explained to Professor Williams, that
21 I've always advocated for this process
22 and even having this option to come here
23 and being able to go through this and --
24 to be honest I couldn't find anybody who
25 really had or had details on how exactly

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2 operates.

3 The biggest thing is, in anything
4 in my life, you know, being able to
5 share that with people so that they
6 don't have to make the same mistakes you
7 do -- or realize the levels that you
8 have to go to to avoid stuff. So I feel
9 like that is incredibly helpful.

10 And one thing that I am not
11 hesitant of to say, in the slightest,
12 because I love especially with -- you
13 don't know me, but particularly, in my
14 life, there's been a lot of things that
15 really -- people -- a lot of really hard
16 lessons just to learn, like, health
17 issues and everything like that, that
18 I've never hesitated the mention, any of
19 my mistakes or any issues with me, if it
20 means that it could help somebody or
21 prevent something for somebody else.

22 So the biggest thing would be, I
23 had already planned on doing a
24 presentation for the law school on
25 service animals because I took

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2 disability loss last semester and found
3 out that even our disability law
4 professor doesn't actually know the laws
5 regarding service animals. But if given
6 the opportunity, I'd happily discuss
7 this with other students as well, to a
8 tee, to every single detail, every
9 single mistake that I made just so that
10 they could understand the process.

11 Because honestly I wish I had had
12 somebody else for that, for me, so if I
13 could be that to somebody else then
14 that's completely worth it. In one way
15 it should probably be fortunate that I
16 learned, at least, lessons -- this now.
17 Because this could probably be prevented
18 in the future.

19 But, obviously, I mean,
20 professional responsibilities, and I was
21 a Bio-Chem background, so I thought
22 they're pretty strict about plagiarism
23 and stuff but generalization and
24 everything -- just even the things like
25 you need to get complete clarification

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 2 from your professor of what would
 3 pertain and stuff like that. And I
 4 think the open endedness of, you know,
 5 legal writing really did not convey that
 6 properly to students.
 7 And so even if it comes to my
 8 peers explaining that, Hey, probably
 9 best to just stay away from secondary
 10 materials if you can, just kind of that
 11 thing because that's honestly been
 12 something that's been in the discussion
 13 which means that there's a lot of other
 14 students even at our school alone that
 15 don't actually realize this.
 16 [REDACTED]: Can I jump in. I just,
 17 there's something that I really want to
 18 address. First of all, I know that you
 19 also had a very hard semester and I also
 20 wanted to acknowledge the adversity that
 21 you've been through because it is
 22 tremendously stressful to have gone
 23 through that and it's very commendable
 24 that you're here today.
 25 But the one thing I also wanted to

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 2 address was that there's something I
 3 think that you're almost getting to but
 4 not quite getting to, which is
 5 accountability. Which is the fact that
 6 there were parts of your paper that
 7 verbatim, word-for-word, were copied
 8 from another paper.
 9 And when you're answering you're
 10 saying, well, part of what I've learned
 11 is not to use secondary sources. But I
 12 don't think that that's the moral lesson
 13 of why we're here today. The point is
 14 not, not to use secondary sources. In
 15 your grad school career you're going to
 16 obviously write lots of papers, use
 17 secondary sources.
 18 I think the lesson here would be
 19 to take accountability and understand --
 20 or take time to understand what it
 21 actually is that you've done. And it is
 22 like a little bit of a weird crime to
 23 plagiarize, because, at first, it can
 24 seem I remember learning what it was
 25 when I was in high school, in college,

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 2 and it's like, well, who is this really
 3 harming? Well, it's more actually a
 4 matter of your own integrity and your
 5 own work. And part of that is doing
 6 your due diligence as a student and
 7 vetting your sources.
 8 And making sure that you are
 9 presenting work because what it
 10 essentially is you're trying to pass off
 11 work as your own, even though you didn't
 12 intend to, even though you say that
 13 wasn't your intention -- this paper,
 14 when you submitted it, it was an attempt
 15 to pass off work that was not your own,
 16 and that's where that's the harm, and
 17 that's where it comes in.
 18 And I just wanted to hear an
 19 acknowledgment of that harm, and I know
 20 that that is going to mean a lot to the
 21 board, especially when they take it into
 22 their deliberation.
 23 MS. TSHUDY: No, I agree. That is
 24 incredibly harmful, and again, it's hard
 25 to grasp exactly, but -- I guess it's

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 2 hard to -- obviously, I can't even
 3 explain it's a horrible mistake to make,
 4 and I apologize from the depth of my
 5 heart that I would ever make a mistake
 6 like that.
 7 I do feel really terrible, and I
 8 understand that that harm cannot ever
 9 spread or that I cannot ever be seen as,
 10 like, even -- no matter the intent or
 11 anything. That makes sense and stuff,
 12 and nobody should ever feel that their
 13 work could be copied or anything like
 14 that.
 15 And I'm having a hard time
 16 thinking of how I can mitigate it, but I
 17 don't want you to think that I do not
 18 admit that that's a horrible, horrible
 19 mistake to make. It's, you know, way
 20 beyond the level of embarrassing, and
 21 it's really shameful and stuff, and I
 22 never would have ever wanted to or even
 23 risk that. And I'm really sorry.
 24 [REDACTED]: I'm not looking for a
 25 cookie-cutter answer at all. So I

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 2 really just appreciate what you've told
 3 me, so thank you.
 4 PROFESSOR BUTLER: I think we've
 5 come to the point where we will adjourn
 6 to the room, 124.
 7 DEAN WILLIAMS: Yes.
 8 PROFESSOR BUTLER: We will dealing
 9 both with the finding of whether there
 10 was a violation or not. And if there
 11 was, we will also discuss sanctions.
 12 DEAN WILLIAMS: I'm going to go to
 13 my office, so if you need me for
 14 anything, I will be in my office.
 15 PROFESSOR BUTLER: All right.
 16 DEAN WILLIAMS: Okay.
 17 PROFESSOR BUTLER: Should -- she
 18 should wait around?
 19 DEAN WILLIAMS: Yes, she should
 20 wait.
 21 Trisha, you should wait. You're
 22 free to wait in this room. Understand
 23 that the recording is continuing, so if
 24 you want to stay in this room,
 25 understand that whatever you say will be

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 2 recorded.
 3 You certainly are welcome to go
 4 over to the room right here, room 104,
 5 if you'd like to. You can certainly use
 6 that room. Let me make sure it's
 7 unlocked.
 8 I'm sorry. I will. I will, so
 9 come get me when you're ready to
 10 reconvene--
 11 Room 104 is open, so you're
 12 welcome to use that room.
 13 MS. TSHUDY: So you said that this
 14 is the same as the Turnitin?
 15 DEAN WILLIAMS: No, look at the
 16 other documents that are attached there,
 17 too.
 18 MS. TSHUDY: I just want to make
 19 sure this was supplied as well.
 20 DEAN WILLIAMS: Uh-huh.
 21 MS. TSHUDY: Okay. Good, because
 22 that's -- drastic difference. And I
 23 obviously didn't have the Turnitin
 24 originally discussed. So it's drastic
 25 difference in the percentages.

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 2 (Crosstalk.)
 3 DEAN WILLIAMS: Turnitin actually
 4 is a little bit more sophisticated.
 5 PROFESSOR BUTLER: So let us
 6 resume the session. We have deliberated
 7 on this matter, which we take very
 8 seriously, indeed. We have found that a
 9 violation of the honor code has
 10 occurred. And we have determined that
 11 the following sanctions should be
 12 applied.
 13 UNKNOWN SPEAKER: Which violations
 14 is technically like 2F instead of 2D
 15 because there were two.
 16 (Inaudible.)
 17 PROFESSOR BUTLER: Yes. Violation
 18 F, is what we are finding on the basis
 19 of, and that is violation of academic
 20 and integrity and it includes copying,
 21 plagiarism, et cetera. I won't read the
 22 entire sub-point, not all of which is
 23 relevant, but those parts that I have
 24 mentioned are relevant.
 25 Sanctions are to be as follows: A

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 2 written reprimand to be included in the
 3 student's record -- do not underestimate
 4 the implications of that; denial of
 5 credit for the course, with an
 6 appropriate transcript entry; suspension
 7 from nonacademic school activities for
 8 the spring semester 2022.
 9 And two recommendations, first,
 10 that you meet with Professor Dodge to
 11 discuss the possibilities of advice on
 12 mental health. Professor Dodge is aware
 13 of this hearing, and so he will know
 14 what you're talking about. Secondly, a
 15 meeting with Professor Titichia Jackson.
 16 She is not necessarily aware of this
 17 session and will not know what you're
 18 talking about, so you can judge your
 19 meeting with her accordingly. What you
 20 discuss with her are issues of academic
 21 success.
 22 Those are the findings of this
 23 committee. Do you have any comments?
 24 You have the right of appeal, of
 25 course, to the dean. If there are no

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<p style="text-align: right;">Page 230</p> <p>1 Proceedings</p> <p>2 other comments or questions, then this</p> <p>3 meeting is adjourned. Thank you all.</p> <p>4 DEAN WILLIAMS: Thank you,</p> <p>5 Professor Butler.</p> <p>6 MS. TSHUDY: Appeal this?</p> <p>7 DEAN WILLIAMS: I'm sorry?</p> <p>8 MS. TSHUDY: Could I maybe appeal</p> <p>9 this?</p> <p>10 DEAN WILLIAMS: So, under the</p> <p>11 honor code, if you go to section --</p> <p>12 chapter 7, shows you the procedure for</p> <p>13 appeal. Professor Butler is required to</p> <p>14 prepare a report, which will be a</p> <p>15 summary report -- and he has an</p> <p>16 obligation to provide that, I believe,</p> <p>17 within seven days -- give me one second.</p> <p>18 PROFESSOR BUTLER: Yeah, it's</p> <p>19 seven days.</p> <p>20 DEAN WILLIAMS: So</p> <p>21 Professor Butler will provide that</p> <p>22 within seven days. And then you have</p> <p>23 seven days from the receipt of the</p> <p>24 report to appeal to the dean.</p> <p>25 Thank you, Professor Butler.</p>	<p style="text-align: right;">Page 231</p> <p>1</p> <p>2 PROFESSOR BUTLER: Need anything</p> <p>3 else?</p> <p>4 DEAN WILLIAMS: I do not. Thank</p> <p>5 you. Thanks.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 232</p> <p>1</p> <p>2</p> <p>3 C E R T I F I C A T E</p> <p>4 STATE OF NEW YORK)</p> <p>5 : SS</p> <p>6 COUNTY OF NEW YORK)</p> <p>7</p> <p>8 I, Marissa Mignano, a Notary</p> <p>9 Public within and for the State of New York,</p> <p>10 do hereby certify the within is a</p> <p>11 a true and accurate transcription of the</p> <p>12 audiotapes recorded.</p> <p>13 I further certify that I am</p> <p>14 not related to any of the parties to this</p> <p>15 action by blood or marriage, and that I am</p> <p>16 in no way interested in the outcome of this</p> <p>17 matter.</p> <p>18 IN WITNESS WHEREOF, I have</p> <p>19 hereunto set my hand this 6th day of</p> <p>20 September 2022.</p> <p>21</p> <p>22</p> <p>23 _____</p> <p>24 MARISSA MIGNANO</p> <p>25</p>	

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